



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Jamie Raskin
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Raskin:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remedying exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

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The Part B Proposed Rule addressed several closure provisions and established an approval process that would allow facilities to demonstrate that the performance of individual units can be protective of human health and the environment despite not meeting the fixed liner requirements of the 2015 CCR Rule. EPA anticipated that the alternate liner demonstration would only be available for a limited number of surface impoundments that meet the minimum criteria for consideration described in the proposal. EPA will be reviewing the demonstrations and has the necessary expertise to evaluate the technical information that is required in the application and demonstrations submitted by industry. Furthermore, there is an opportunity for public input on EPA's proposed decision for each submitted application and demonstration, under procedures in the final rule. On October 15, 2020, the Administrator signed a rule that finalized procedures for the alternate liner demonstration provisions.³

The Part B Proposed Rule also solicited public comment on two potential regulatory options regarding conditions under which CCR may be used to support the closure of landfills and surface impoundments. The options discussed in the Part B proposal are in addition to the regulatory approach previously proposed on March 15, 2018 (83 FR 11584), which similarly would have allowed for the use of CCR under specific conditions. EPA is carefully considering each of the proposed approaches and any final rule adopting a provision allowing for such use during unit closure would need to be shown to meet the Resource Conservation and Recovery Act's (RCRA) protectiveness standard under section 4004(a).

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

³ The Part B final rule can be found at: <https://www.epa.gov/coalash/coal-ash-rule#partb>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Rashida Tlaib
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Tlaib:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Jim Cooper
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cooper:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Jerrold Nadler
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Nadler:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

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Peter C. Wright
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Nydia M. Velázquez
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Velázquez:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Eleanor Holmes Norton
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Holmes Norton:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Alan Lowenthal
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lowenthal:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Stephen F. Lynch
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lynch:

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

³ The Part B final rule can be found at: <https://www.epa.gov/coalash/coal-ash-rule#partb>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Andy Levin
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Levin:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remedying exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

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and closure activities proceed as required to ensure the risks of release and potential exposure are identified and minimized.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Nanette Barragán
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Barragán:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Grace F. Napolitano
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Napolitano:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Steve Cohen
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cohen:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Barbara Lee
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Lee:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Mark Takano
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Takano:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable David Trone
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Trone:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Lucille Roybal-Allard
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Roybal-Allard:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Debbie Dingell
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Dingell:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remedying exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Jared Huffman
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Huffman:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable James P. McGovern
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McGovern:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Jesús G. "Chuy" Garcia
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Garcia:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Mike Quigley
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Quigley:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Sheila Jackson Lee
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Jackson Lee:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Julia Brownley
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Brownley:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Ro Khanna
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Khanna:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remedying exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

¹ 85 FR 12456, March 3, 2020

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

³ The Part B final rule can be found at: <https://www.epa.gov/coalash/coal-ash-rule#partb>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Deb Haaland
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Haaland:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Gerald E. Connolly
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Connolly:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Betty McCollum
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McCollum:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Yvette Clarke
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Peter A. DeFazio
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman DeFazio:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Grace Meng
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Meng:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Eliot L. Engel
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Engel:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

³ The Part B final rule can be found at: <https://www.epa.gov/coalash/coal-ash-rule#partb>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Earl Blumenauer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Blumenauer:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remedying exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

¹ 85 FR 12456, March 3, 2020

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and closure activities proceed as required to ensure the risks of release and potential exposure are identified and minimized.

The Part B Proposed Rule addressed several closure provisions and established an approval process that would allow facilities to demonstrate that the performance of individual units can be protective of human health and the environment despite not meeting the fixed liner requirements of the 2015 CCR Rule. EPA anticipated that the alternate liner demonstration would only be available for a limited number of surface impoundments that meet the minimum criteria for consideration described in the proposal. EPA will be reviewing the demonstrations and has the necessary expertise to evaluate the technical information that is required in the application and demonstrations submitted by industry. Furthermore, there is an opportunity for public input on EPA's proposed decision for each submitted application and demonstration, under procedures in the final rule. On October 15, 2020, the Administrator signed a rule that finalized procedures for the alternate liner demonstration provisions.³

The Part B Proposed Rule also solicited public comment on two potential regulatory options regarding conditions under which CCR may be used to support the closure of landfills and surface impoundments. The options discussed in the Part B proposal are in addition to the regulatory approach previously proposed on March 15, 2018 (83 FR 11584), which similarly would have allowed for the use of CCR under specific conditions. EPA is carefully considering each of the proposed approaches and any final rule adopting a provision allowing for such use during unit closure would need to be shown to meet the Resource Conservation and Recovery Act's (RCRA) protectiveness standard under section 4004(a).

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Maxine Waters
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Waters:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable C.A. Dutch Ruppertsberger
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Ruppertsberger:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Alcee L. Hastings
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hastings:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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and closure activities proceed as required to ensure the risks of release and potential exposure are identified and minimized.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Diana DeGette
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman DeGette:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Abigail D. Spanberger
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Spanberger:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Sean Casten
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Casten:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Suzanne Bonamici
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bonamici:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

³ The Part B final rule can be found at: <https://www.epa.gov/coalash/coal-ash-rule#partb>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Peter Welch
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Welch:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remediating exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

¹ 85 FR 12456, March 3, 2020

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Bill Foster
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Foster:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Darren M. Soto
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Soto:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Chellie Pingree
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Pingree:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Robert "Bobby" C. Scott
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Scott:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Anthony G. Brown
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Brown:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Ann McLane Kuster
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Kuster:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable John P. Sarbanes
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Sarbanes:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Brad Sherman
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Sherman:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Kathy Castor
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Castor:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Juan Vargas
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Vargas:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable A. Donald McEachin
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McEachin:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

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Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable John Yarmuth
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Yarmuth:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Thomas R. Suozzi
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Suozzi:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Linda T. Sánchez
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Sánchez:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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Peter C. Wright
Assistant Administrator

³ The Part B final rule can be found at: <https://www.epa.gov/coalash/coal-ash-rule#partb>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Judy Chu
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Chu:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

EPA's proposed and final revisions² to the CCR regulations are in response to several factors, including the results of legal challenges to the original rule and subsequent rules, petitions to reconsider the original rule, legislation passed after the original rule [the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act], and experience gained since the rules went into place.

It is important to note that while EPA is working on these remaining issues, the vast majority of the CCR regulations remain in place and are being implemented on the original 2015 rule (80 FR 21301, April 17, 2015) timeline. This includes requirements to conduct groundwater monitoring, publicly post monitoring results, and take action to remedy groundwater contamination that exceeds groundwater protection standards. CCR units that do not meet the technical and location standards are required to either retrofit to meet the standards or initiate the process to close, while continuing to be responsible for remedying exceedances of the groundwater protection standards. Due to the transparency requirements EPA put into the 2015 rule, which include the requirement to post information about groundwater monitoring and corrective action on publicly accessible CCR Internet sites, there has been an increase in scrutiny on the most problematic facilities. EPA is working with the states to ensure deadlines are being met and corrective action

¹ 85 FR 12456, March 3, 2020

² U.S. EPA, [Disposal of Coal Combustion Residuals from Electric Utilities Rulemakings](https://www.epa.gov/coalash/coal-ash-rule) (<https://www.epa.gov/coalash/coal-ash-rule>)

and closure activities proceed as required to ensure the risks of release and potential exposure are identified and minimized.

The Part B Proposed Rule addressed several closure provisions and established an approval process that would allow facilities to demonstrate that the performance of individual units can be protective of human health and the environment despite not meeting the fixed liner requirements of the 2015 CCR Rule. EPA anticipated that the alternate liner demonstration would only be available for a limited number of surface impoundments that meet the minimum criteria for consideration described in the proposal. EPA will be reviewing the demonstrations and has the necessary expertise to evaluate the technical information that is required in the application and demonstrations submitted by industry. Furthermore, there is an opportunity for public input on EPA's proposed decision for each submitted application and demonstration, under procedures in the final rule. On October 15, 2020, the Administrator signed a rule that finalized procedures for the alternate liner demonstration provisions.³

The Part B Proposed Rule also solicited public comment on two potential regulatory options regarding conditions under which CCR may be used to support the closure of landfills and surface impoundments. The options discussed in the Part B proposal are in addition to the regulatory approach previously proposed on March 15, 2018 (83 FR 11584), which similarly would have allowed for the use of CCR under specific conditions. EPA is carefully considering each of the proposed approaches and any final rule adopting a provision allowing for such use during unit closure would need to be shown to meet the Resource Conservation and Recovery Act's (RCRA) protectiveness standard under section 4004(a).

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 24, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Harley Rouda
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rouda:

Thank you for your letter of September 3, 2020, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler, regarding your concerns with the recently proposed rule on coal combustion residuals (CCR), commonly referred to as coal ash. On March 3, 2020, the *Disposal of Coal Combustion Residuals (CCR); A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure*¹ proposed rule (Part B Proposed Rule) was published in the *Federal Register*. The EPA recognizes your concerns over the public health impacts posed by CCR disposal in the United States. EPA is working to put in place regulations to address the management of coal ash from coal-fired power plants that are protective of human health and the environment and provide a clear and stable framework for electric utilities to follow.

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and closure activities proceed as required to ensure the risks of release and potential exposure are identified and minimized.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or at (202) 564-1859.

Sincerely,



Peter C. Wright
Assistant Administrator

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